

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**ROBERT WHARTON,**

*Petitioner,*

*v.*

**DONALD T. VAUGHN,**

*Respondent.*

**Civil Action**

**No. 01-cv-6049**

**ORDER**

**AND NOW**, this 11<sup>th</sup> day of May, 2022, on remand from the Court of Appeals for the Third Circuit, and following evidentiary hearings held on February 25, 2021, March 8, 2021, March 16, 2021, May 11, 2021, and August 5, 2021, and upon consideration of Petitioner Robert Wharton’s “Petition for a Writ of Habeas Corpus and Consolidated Memorandum of Law” (ECF No. 22), Petitioner’s “Amendment to Petition for Writ of Habeas Corpus” (ECF No. 33), Petitioner’s Second “Amendment to Petition for Writ of Habeas Corpus” (ECF No. 90), the responses and replies thereto, and the post-hearing briefs and reply (ECF Nos. 278, 279, 280, and 281), and for the reasons set out in the accompanying memorandum opinion, it is hereby

**ORDERED** that:

1. The Petition for a Writ of Habeas Corpus is **DENIED**.
2. A Certificate of Appealability shall **ISSUE**.<sup>1</sup>

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<sup>1</sup> A Certificate of Appealability may only issue upon a “substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). Although I have concluded that Petitioner’s Sixth Amendment rights were not violated, I nevertheless find that this standard has been met.

BY THE COURT:

*/s/ Mitchell S. Goldberg*  

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MITCHELL S. GOLDBERG, J.